

FREEDOM COURT REPORTING

Page 1

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE EASTERN DISTRICT OF TEXAS
3 MARSHALL DIVISION

4 PATTY BEALL, MATTHEW
5 MAXWELL, TALINA MCELHANY
6 and KELLY HAMPTON,
7 individually, and on
8 behalf of all others
9 similarly situated,

10 Plaintiffs,

11 vs. CASE NO: 2:08-cv-422 TJW

12 TYLER TECHNOLOGIES, INC.,
13 and EDP ENTERPRISES, INC.,
14 Defendants.

15 * * * * *

16 DEPOSITION OF: RONALD GRIMWOOD
17 DATE TAKEN: September 8, 2010
18 TIME: 2:05 p.m. - 4:10 p.m.
19 PLACE: ComCenter Bradenton
20 6150 State Road 70 E
21 Bradenton, Florida 34203
22 TAKEN BY: The Defendants
23 REPORTED BY: Kerry Mercade, CSR, CRI, FPR
24 Court Reporter and Notary Public
25

367 VALLEY AVENUE
(205) 397-2397 BIRMINGHAM, ALABAMA 35209 877-373-3660

EXHIBIT 14

FREEDOM COURT REPORTING

Page 2

A P P E A R A N C E S

LAUREEN F. BAGLEY, ESQUIRE

OF: Sloan, Bagley, Hatcher & Perry Law Firm
101 East Whaley Street
P.O. Drawer 2909
Longview, Texas 75606
APPEARING ON BEHALF OF THE PLAINTIFFS

PAULO B. MCKEEBY, ESQUIRE

OF: Morgan, Lewis & Bockius, LLP
1717 Main Street
Suite 3200
Dallas, Texas 75201
APPEARING ON BEHALF OF THE DEFENDANTS

367 VALLEY AVENUE
(205) 397-2397 BIRMINGHAM, ALABAMA 35209 877-373-3660

EXHIBIT 14

FREEDOM COURT REPORTING

Page 3

I N D E X

DEPOSITION OF RONALD GRIMWOOD	PAGE
Direct Examination by Mr. McKeeby.....	4
Cross-Examination by Mrs. Bagley.....	91
CERTIFICATE OF OATH.....	93
CERTIFICATE OF REPORTER.....	94
ERRATA SHEET.....	95
NOTIFICATION LETTER.....	96

E X H I B I T S

NUMBER	DESCRIPTION	PAGE
1	Résumé of Ronald Grimwood.....	70
2	Letter of Commitment.....	74
3	2008 Performance Evaluation.....	77
4	2009 Performance Evaluation.....	86
5	Pleadings.....	88

S T I P U L A T I O N S

It is hereby agreed and so stipulated by and between the parties hereto, through their respective counsel, that the reading and signing of the transcript are expressly reserved by the Deponent.

FREEDOM COURT REPORTING

Page 23

1 could be a lot longer -- would be a lot longer
2 than the work order process or the fixed assets
3 process, et cetera, et cetera.

4 Q. That depends on the program?

5 A. It really depends on the program, right.
6 It depends on -- not only it depends on the
7 program, but it depends on how they want to revise
8 their policies and procedures. Because that --
9 you know, when the salesman goes in there, he's
10 telling them, you know, "We can do all these great
11 things for you."

12 And they may say, "Okay. Let's do all
13 these great things."

14 But it takes a long time to describe all
15 those great things we can do.

16 Q. So the alternative is -- if the customer
17 says we don't want to do all those great things,
18 we want to do it just like we did before, I guess,
19 why would they purchase that software in the first
20 place? But in that hypothetical, it would take
21 you less time?

22 A. Yes.

23 Q. Not to suggest my hypothetical was
24 reasonable, but I think I get it.

25 And then the duration of this phase of the

FREEDOM COURT REPORTING

Page 24

1 implementation process would also vary, depending
2 on the number of alternatives associated with the
3 particular program? Did I understand that
4 correctly?

5 A. The alternatives? What do you mean?

6 Q. Yeah. You said that this phase involves
7 sitting down with the customer and discussing
8 alternatives in the program. And I'm -- my
9 question is: Were there different numbers of
10 alternatives between the different programs that
11 you've discussed, or modules that you've
12 discussed, that would result in this phase being
13 longer?

14 A. Yes.

15 Q. Which was the one that had the most
16 alternatives? Or is it possible to answer that?

17 A. The ones that I did?

18 Q. Yes.

19 A. Administration, probably.

20 Q. Now, when you're sitting down with the
21 customer and explaining these alternatives, and
22 the customer is selecting which options to take,
23 are they asking for your advice, typically?

24 A. No. We were told not to give them any
25 advice. We were told to lay out what the program

FREEDOM COURT REPORTING

Page 25

1 will do and here's your options. Here's what you
2 told us you wanted your policy to be. Here are
3 the three or four options that you have based on
4 what your supervisor said your policy is. And if
5 you don't want to do this, then we need to change
6 your policy.

7 Q. And how would you, as the implementation
8 specialist, know what those policy dictates were?
9 Would that be in the project plan?

10 A. Well, it is from that first paper that we
11 produced, all those questions that we asked, and
12 their policy manual. We try to get their policy
13 manual, too.

14 Q. So you're dealing with different people in
15 this third phase of the implementation process,
16 where you're sitting down and explaining
17 alternatives associated with the program, than you
18 would have been dealing with in the second phase
19 of the implementation process where you're
20 gathering information?

21 A. May or may not be.

22 Q. Depending on the customer?

23 A. Depending on the customer.

24 Q. So you gave me an example where the -- in
25 requisitions where they may have had a previous

FREEDOM COURT REPORTING

Page 26

1 policy where they would handwrite the requisitions
2 and run it through office mail, right?

3 A. Yes.

4 Q. And you said that in Munis, you can do
5 this through electronic approval process?

6 A. Yes.

7 Q. Is that something you would explain to the
8 customer, typically, in this phase of the
9 implementation?

10 A. Yes. They would have seen that probably
11 in their sales presentation. That's one of the
12 reasons they would probably select Munis. Those
13 issues would come back at that point in time.

14 Q. For a higher degree of automation?

15 A. Correct.

16 Q. And so while you're sitting down
17 explaining the different alternatives associated
18 with the program to the customer, are you writing
19 down their selections or how is that being
20 retained?

21 A. Two -- possibly two different ways. It
22 depends on -- it would depend on how we were
23 making that presentation. Sometimes they don't
24 have any data in their program and we may use a
25 canned program that we have that has data just to

FREEDOM COURT REPORTING

Page 27

1 show them the examples. That would be one. In
2 that case we would have to record, write down,
3 what their choices were.

4 If we were using their program, which
5 sometimes we did in regard to the parameters of
6 it, we would actually set those parameters at that
7 point in time.

8 Q. So you would actually make the election in
9 their system?

10 A. Yes.

11 Q. Was this -- you would show them how to do
12 it or you would just go ahead and do it yourself
13 or both ways?

14 A. Both ways. Again, it depends on how they
15 want to do it.

16 Q. So to go to your example again, where they
17 have a previous system of handwriting requisitions
18 and routing it through interoffice mail, and they
19 said, well, we would rather -- prefer to use the
20 Munis electronic approval process.

21 In this second scenario, you would either
22 explain to them how to set that up or you would do
23 it for them?

24 A. Probably in that scenario, we would have
25 to -- we would have to write that down, and we

FREEDOM COURT REPORTING

Page 28

1 would then have to go to a couple of different
2 programs, you know, in order to get that set up
3 the way they wanted to. We would have to find out
4 from them specifically what they wanted to do.

5 Let's just assume then they wanted that
6 process. Then we would have to go into the
7 requisition process and set up certain parameters
8 there. Then we would have to go into the
9 administration process. And then have to go to
10 the individuals, set up certain parameters where
11 they could receive the electronic document and
12 approve, reject or do whatever. So when you ran
13 into that situation, many of the times, just using
14 that example, I'm dealing with purchasing people.
15 The administration side of it may be the IT
16 people.

17 So I would have to then take that
18 information, and then when I got done with it, I
19 would have to go to the IT people and say -- when
20 we are explaining the admin side of it and say,
21 well, here's the way purchasing wants to do this.
22 Here's the way we have to set it up over here.
23 They would set it up.

24 Q. The site meaning their preferences?

25 A. The site would be -- yeah, they would

FREEDOM COURT REPORTING

Page 29

1 decide how -- you know, if they want me to do it,
2 fine. If they want to do it, fine. They would
3 decide that.

4 Q. What is the next phase of the
5 implementation?

6 A. Where are we?

7 Q. We have --

8 A. We're demonstrating the program and trying
9 to get the parameters done and so forth.

10 Q. Let me ask you before you go to the next
11 phase. Some of the other implementers have used
12 the term "configuring the software."

13 A. Same thing.

14 Q. Is that what this stage you've just
15 described involves?

16 A. Uh-huh.

17 Q. Is that yes?

18 A. Yes.

19 Q. All right. Now, back to my other
20 question. What's the next stage?

21 A. The next stage that I would be involved in
22 after that would probably be the training side of
23 it. So we would then get involved in actually
24 training the users or superusers, depending on the
25 site, again, how to actually do what we have set

FREEDOM COURT REPORTING

Page 30

1 up. So how do I -- you know, here are the steps
2 to produce a requisition, as the example.

3 Q. So you're training them on how to use the
4 software?

5 A. Right.

6 Q. What's the difference between a user and a
7 superuser?

8 A. Again, it's the size of the site. The
9 superusers -- to give you an example, we had one
10 site that had 200 some odd people that needed to
11 be trained. They didn't want to pay us to be
12 there for that. So we would train a handful of
13 people, which were called superusers, and then
14 those superusers would train all the other people.

15 Q. Again, that goes back to the size of the
16 customer?

17 A. Yeah, it's determined by the customer. If
18 they want us to do it, and they have got the
19 dollars, fine. If they want to do it, then that's
20 up to them.

21 Q. But the term "superusers" just refers to a
22 group of people that -- to whom you would provide
23 training to who, in turn, would train others?

24 A. Somebody came up with that term.

25 Q. But the superuser refers to someone at the

FREEDOM COURT REPORTING

Page 31

1 customer's --

2 A. Yes.

3 Q. And did the length of training -- put the
4 size of the customer to one side. Did the length
5 of training vary based on the module that you were
6 supporting?

7 A. Yes.

8 Q. Some modules required more training than
9 others?

10 A. Yes.

11 Q. And what would it be about those modules
12 that would require the different --

13 A. Size, complexity, individuals involved.

14 Q. "Individuals involved" means who you were
15 training?

16 A. Yes. You know, if I'm training the
17 mechanic out there in the garage on how to do a
18 work order, it may take a little longer than if
19 I'm training the accounts payable clerk how to
20 enter an invoice.

21 Q. Got it. So that's -- again, that's not
22 related to the number of people that you're
23 training necessarily, but who it is that's being
24 trained and their competency going into the
25 training?

FREEDOM COURT REPORTING

Page 32

1 A. Correct.

2 Q. So would these training sessions be in a
3 classroom-type setting?

4 A. Yes.

5 Q. And you would be showing them the Tyler
6 system on, like, a projection screen?

7 A. Yeah. Typically, we would have a
8 projection screen so that they could see it, and
9 they would be sitting on a laptop or computer of
10 some kind, and actually following through with us
11 to do this -- do the work. There's two different
12 programs.

13 That's a live program and there's a
14 training program in Munis. We would be using the
15 training program so they could go in and mess up
16 whatever they wanted to mess up and it didn't mess
17 up the live stuff.

18 Q. And at that time, typically, there was no
19 live stuff?

20 A. Typically -- well, there might be some
21 parameters that had been set up in live, because
22 that makes it a lot easier. If we knew that we
23 were going to be doing these particular
24 parameters, we would set them up in live. We
25 would do a live-to-train. We just move that stuff

FREEDOM COURT REPORTING

Page 42

1 Q. I guess what I'm thinking of is that there
2 may be some employees of the customer that have
3 greater authority to approve requisitions, for
4 example. Would that kind of factor change the
5 type of training that was required or not
6 necessarily?

7 A. The approval process itself was typically
8 a separate session. And depending on those
9 supervisors, if they really wanted to get involved
10 in how to create the requisition, which most of
11 them didn't, all they wanted to do was know how to
12 approve it, which was a process that we had to
13 train.

14 Now, like the central staff -- purchasing,
15 as an example. Once we left the site, purchasing
16 is responsible for making sure those requisitions
17 come in right. They had to know it all. They had
18 to know all the requisition processes, and they
19 had to know their job as well.

20 So to answer your question, there are
21 certain people that had to know more than other
22 people.

23 Q. And so would that affect the type of
24 training you would provide?

25 A. Generally, yes. We would provide -- they

FREEDOM COURT REPORTING

Page 43

1 would sit in on the requisition training process,
2 and they would be trained in their own
3 responsibilities.

4 Q. Is the -- after the pre-live phase, is the
5 next phase the go-live phase?

6 A. The go-live.

7 Q. And would you be physically at the
8 customer location when they went live?

9 A. Yes.

10 Q. And would your role to be -- to assist the
11 customer with questions as they came up during
12 that go-live process?

13 A. Yes. Basically, it's the same as the
14 pre-live, my responsibilities. I'm not talking
15 about the project managers or anybody like that.
16 But my responsibilities were basically the same as
17 the pre-live.

18 So now we're in the live program, and we
19 have people who can't do it right, or are having
20 problems, or what have you, and we're helping them
21 do their thing.

22 Q. So you're addressing issues on an
23 as-needed basis?

24 A. Yes.

25 Q. Are you also monitoring during the live

FREEDOM COURT REPORTING

Page 44

1 phase?

2 A. Same thing.

3 Q. Same thing? You're in this central
4 location doing some functions similar to the
5 pre-live stage?

6 A. Yes.

7 Q. And is the project manager at the location
8 at this time typically?

9 A. Typically, yes.

10 Q. What is the project manager's role during
11 the go-live phase?

12 A. More of an overall-type role. It depends
13 on the project manager. Again, some project
14 managers would be involved in the conversion of
15 data, as an example, and the correctness of that
16 conversion.

17 Q. Is that something that you were involved
18 in as an implementation specialist?

19 A. No. That was kind of out of my realm.

20 Q. And I take it the -- in terms of
21 installing the software onto the customer system,
22 that was something that was done prior to your
23 role in the implementation process?

24 A. Yes, yes. We have an installation team
25 that would come in, and they typically bought a

FREEDOM COURT REPORTING

Page 45

1 new server, so they would install the program on
2 the server.

3 Q. The implementation team?

4 A. No.

5 Q. The customer?

6 A. The installation team. The installation
7 team. There's a team that just goes out and puts
8 these programs on the server.

9 Q. And that's the implementation team?

10 A. No, not -- implementation comes in after
11 the program is on the server, and then they
12 implement it.

13 Q. I just used the wrong word. The
14 installation team?

15 A. Yes, they would.

16 Q. Is the go-live phase the last phase of the
17 implementation?

18 A. There's a post-live after that.

19 Q. And that involves answering questions and
20 providing support?

21 A. Seeing if there's any issues that --
22 generally, what that is, we may run into issues
23 that development, as an example, has to take care
24 of and it's not ready for the go-live. I
25 generally was not there during the post-live.

FREEDOM COURT REPORTING

Page 46

1 Sometimes I would be depending on what the issue
2 might be. Just to go back in and make sure it was
3 running, but that would be a day here or a day
4 there. The post-live would be usually project
5 managers staying in touch with what's going on.

6 Q. Would you ever receive calls from the
7 customer after the go-live phase, perhaps during
8 this post-live phase, where you were in a support
9 capacity?

10 A. Yes.

11 Q. Was that for a discrete period of time
12 typically?

13 A. It was supposed to be. But sometimes,
14 depending on the customer, it was longer.

15 Q. So the customer would then contact you at
16 your home or send you an email to ask you a
17 particular question?

18 A. Yes.

19 Q. And you would answer those questions?

20 A. Best of my ability.

21 Q. You weren't told after any particular
22 period of time that you were supposed to send
23 those questions to the support team?

24 A. Yes, we were.

25 Q. What period of time was that or did it

FREEDOM COURT REPORTING

Page 47

1 vary?

2 A. It varied. And, again, it depended on
3 what the problem was and the site that was
4 involved. But I would say generally, I
5 personally -- I know some who did, but I
6 personally transferred them to support right after
7 the go-live.

8 Q. Rather than answer the questions
9 typically?

10 A. No. I would answer them if I could answer
11 them very quickly and so forth. I'm not putting
12 the customer off. I'm going to do the best I can
13 for the customer. But, generally speaking, I
14 would try to get them to go through support.

15 Q. Let me -- I want to shorthand, if I can,
16 these different phases. I'm going to leave out
17 the phase at the very beginning, the kickoff
18 meeting that you weren't involved in. And let me
19 first make sure that we are on the same page in
20 terms of this list of the phases that I've gleaned
21 from your testimony.

22 The first phase is where you're gathering
23 information about the customer's processes?

24 A. Yes.

25 Q. The second phase is where you are -- that

FREEDOM COURT REPORTING

Page 48

1 you're involved in, is when you're sitting down
2 with the customer and the program discussing
3 alternatives and then configuring the software?

4 A. Yes.

5 Q. Can we call that configuration phase?

6 A. Sure.

7 Q. Then the next is training?

8 A. Yes.

9 Q. And then pre-live?

10 A. Yes.

11 Q. And then the go-live phase?

12 A. Yes.

13 Q. And then the post-live?

14 A. Yes.

15 Q. I know that this is going to vary
16 depending on the particular project involved, but
17 of these different phases, just taking it
18 generally, which did you spend the most amount of
19 time on? And here I'm not -- I'm wanting you not
20 to focus on a particular -- well, I suspect you
21 will tell me it would vary depending on the
22 project. That's true, right?

23 A. Yes.

24 Q. If you're looking at just your job duties
25 in general, not focusing on a particular project,